

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 16, 2000  
Tuesday, 9:03 A.M.

The City Council met in regular session with Vice Mayor Lambke in the Chair. Council Members Cole, Lambke, Martz, Pisciotte, Rogers; present. \*Council Member Gale absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Gary Cox, University Congregational Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of May 9, 2000, were approved 6 to 0. (Gale absent)

AWARDS AND PRESENTATIONS

PROCLAMATION

Proclamation previously approved was presented.

\*Council Member Gale present.

SERVICE CITATION

Distinguished Service Citation was presented.

PUBLIC AGENDA

Doren Fredrickson MD PhD, Associate Professor at KU Medical School in Wichita – Fluoride.

Doren Fredrickson

Doren Fredrickson, associate professor at the KU Medical School in Wichita, board-certified pediatrician, and epidemiologist, spoke regarding the benefits of community water fluoridation.

Community Health Assessment project completed in 1997 addressed dental health – 33% wrkg age adult pop not to dentist w/in last 12 months. Much lower in families of color and lower income areas of Wichita.

Fluoridation has not been found to have any side effects except slight browning of teeth if overdosed. Areas with fluoridated water have very low cavities.

Tom Kneil, Kansans for Clean Water – Arkansas River Water Quality.

Tom Kneil

Tom Kneil, Kansans for Clean Water, said samples should be taken from the river both above and below the City of Wichita for analysis of content and location of pollution. Tests should be done for all pesticides and chemicals as well as fecal materials.

Mayor Knight and Council Member Pisciotte left the bench; Vice Mayor Lambke in the chair.

Larry Ross, Chair, Southwind Group Sierra Club – Arkansas River Water Quality.

Larry Ross

Larry Ross, Sierra Club, wished the Council the best in enlisting citizens in the effort to clean up the Arkansas River.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 27

Determination should be made on the origination of pollution as well as cleaning the water as it leaves the City.

Chris Cherches

City Manager summarized the process to begin to address the issue of the Arkansas River water quality.

Following discussions of river issues about one month ago, communications were established with the various organizations with responsibilities on the issue.

In the future, a day-long session will bring the various organizations up-to-date, outline steps to be taken, responsibilities, and requirements. A strategy will be developed to address issues by all agencies involved.

## NEW BUSINESS

### **WEB SITE**

#### **PRESENTATION OF "WWW.WICHITAGOV.ORG."**

Ray Trail

Director of Finance introduced the Item.

Mike Mayta

Data Center reviewed the web site "www.wichitagov.org."

Web-based services within City Hall include the following:

#### The Daily Docket

Court dockets and times (current or future) can be viewed.

#### Purchasing

Solicitations and bid tabs for solicitations can be viewed. A more advanced online system is coming in May of 2000.

#### Parks and Recreation

Find out what park facilities are available and reserve them from your home.

#### City Home

Items such as employment, contacts and feedback, community information, City calendars, Mayor and City Council Members, District Advisory Boards, and City departments can all be accessed.

Other links include: Visitor connections, economic development/business connections, licensing, City Code, forms, GIS maps, news, annexation, Century II, police, and more links are being developed.

No action was taken on this Item.

### **GRANTS REVIEW**

#### **ESTABLISHMENT OF COMMUNITY SERVICE GRANTS REVIEW COMMITTEE.**

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 00-0483.

In November 1999, the City Council took action to restructure various advisory boards/commissions. Since this time, the activities of these advisory groups have been reassigned or transferred to various community coalitions. One of the remaining tasks is to establish a Community Services Grants Review Committee (CSBG RC) to handle this program's review/oversight and make recommendations to the City Council. The proposed Committee would be similar to the Grants Review Committee for CDBG funding – and would exist for the sole purpose of providing citizen input involved in the CSBG allocation/monitoring process.

The proposed new Community Service Grants Review Committee would be comprised of twelve (12) persons: four (4) individuals would be appointed from business, industry, education, United Way; four (4) community sector members would be appointed from the District Advisory Boards representative of the districts having significant low-income housing; and four (4) persons of low-income elected at designated neighborhood polling places. [In compliance with the CSBG Act, the City Council will receive petitions for adequate representation from low-income individuals and organizations.]

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 28

To ensure that a comprehensive review of issues affecting the very low-income population, members must have the ability to view CSBG programs and related issues and outcomes in tandem with other City programs, both social service delivery and capital programs. The proposed new structure will provide the City Council input based on a more City-wide perspective, that is, programs can be viewed and programmed as part (and together) with other City goals and program focus. To maintain continuity and coordination among various federal funding purposes, it is proposed that the representatives from business, education, etc. be the same as those serving on the CDBG Grants Review Committee.

The CSBG RC members would be appointed on an annual basis.

The establishment of this Committee should have no substantial impact, other than election costs and staffing.

CSBG funds, although federal in source, are administered by the Kansas Department of Commerce and Housing. It is necessary to seek approval for the structuring of the CSBG Review Committee, as well as comply with federal CSBG Act and regulations.

Vice Mayor Lambke Vice Mayor Lambke inquired whether anyone wished to be heard and no one appeared.

Motion -- carried Lambke moved that establishment of the CSBG Review Committee be authorized. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## CITY COUNCIL AGENDA

### **APPOINTMENTS**

### **BOARD/COMMISSION APPOINTMENTS.**

Motion -- Cole appointed Linda Matney (Housing) and moved that the appointment be approved. Motion carried 5 to 0. -- carried (Pisciotta, Knight; absent)

### **PROCLAMATION**

### **PROCLAMATION:**

--Cancer Survivors Day

Motion -- carried Lambke moved that the Proclamation be approved. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## **CONSENT AGENDA**

Lambke moved that the Consent Agenda, except Item 22 , be approved in accordance with the recommended action shown thereon. Motion carried 5 to 0. (Pisciotta, Knight; absent)

### **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 15, 2000.**

Bids were opened May 12, 2000, pursuant to advertisements published on:

2000 Sanitary Sewer Reconstruction Program; Phase 1 - west of Hillside, south of 13th Street North. (468-83108/620282/660407) Traffic to be maintained during construction using flagpersons and barricades. (District I)

WB Carter Construction - \$237,731.00

2000 Sanitary Sewer Rehabilitation Program Phase B - east of Broadway, north of Harry. (468-83108/620286/660411) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II & VI)

CSR - \$126,876.19

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 29

Lateral 446, Southwest Interceptor Sewer to serve Airport Industrial Park Addition - south of Harry, west of Hoover. (468-83080/743836/480524) Does not affect existing traffic. (District V)

Dondlinger & Sons - \$12,656.00

Lateral 451, Southwest Interceptor Sewer to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (468-83102/743840/480528) Does not affect existing traffic. (District V)

Utility Contractors - \$107,345.00

Paving Topeka from the north line of Murdock to the north line of Emporia and Traffic Signal Modifications to serve Via Christi Regional Medical Center, Inc. Addition - north of Murdock, east of Topeka. (472-83208/765628/490739) Does not affect existing traffic. (District VI)

Ritchie Paving - \$116,869.74

Paving Angel, from the west line of Meridian to the east line of the drainage easement on Lot 1, Block 6; Edwards, from the south line of Angel to the south line of Lot 8, Block 4; Edwards Circle, from the north line of Angel to and including the cul-de-sac, and; Angel Court, from the north line of Angel to and including the cul-de-sac to serve Angel Acres Addition - west of Meridian, north of 47th Street South. (472-83154/765611/490722) Does not affect existing traffic. (District IV); AND Storm Water Drain No. 150 to serve Angel Acres Addition - west of Meridian, north of 47th Street South. (468-83046/751282/485173) Does not affect existing traffic. (District IV)

APAC – Kansas Inc. - \$237,266.86 (Aggregate bid total/Add alternate)

Water Distribution System to serve Regency Park Addition - west of Greenwich, north of K-96. (448-89449/734956/470626) Does not affect existing traffic. (District II)

WBW Contractors - \$51,942.00

Lambke moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Fence Installation. (183517)

Wichita Fence Company Inc. - \$12,449.00 - (Lump sum total)

FIRE DEPARTMENT/VEHICLE & BUILDING MAINTENANCE DIVISION: "Jaws of Life" Rescue Tool Set. (070136)

Conrad Fire Equipment - \$19,506.00 (Lump sum total)

PARK DEPARTMENT/RECREATION DIVISION: Exercise Equipment. (785725)

Mid-States Fitness Equipment - \$6,980.00\* (Item 1/total net bid)  
\$9,920.00\* (Item 3/total net bid)

\*Redirect award from 5-9-2000, Council meeting

Lambke moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## LICENSE APP.

## APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Veronica Garcia	Angela's Café*	1801 South Broadway

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 30

Motion -- carried

Lambke moved that the license be approved subject to Staff approval. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## PLANS AND SPECS

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications to be considered.

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

- a) Regency Lakes from the south line of Lot 22, Block 1, to the west line of Lot 29, Block 1; Mainsgate from the west line of Lot 29, Block 1, to the west line of Brandon Circle; Brandon from the west line of Brandon Circle south to the south line of Lot 56, Block 1; Regency Lakes Court from the north line of Ayesbury to and including the cul-de-sac; Mainsgate Court from the north line of Mainsgate to and including the cul-de-sac; Brandon Circle from the north line of Mainsgate to and including the cul-de-sac to serve Regency Lakes Addition - north of 21st Street North, west of Greenwich Road. (472-82812/765620/490731) Does not affect existing traffic. City Council approval date: 04/15/1997. (District II) - \$410,000.00
- b) Suncrest from the west line of Westridge Village Addition to the west line of Holland Lane to serve Westridge Village Addition - west of Ridge, north of 13th Street North. (472-82504/762765/490379) Does not affect existing traffic. City Council approval date: 10/25/1994. (District V) - \$66,500.00
- c) Storm Water Sewer No. 531 to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (468-83058/751285/485176) Does not affect existing traffic. City Council approval date: 02/15/2000. (District II) - \$211,000.00
- d) NE Transmission Line Phase 2A from Shocker Drive to Woodlawn Avenue - south of 21st Street North, east of Hillside (448-89465/632540/750213) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 07/18/1995. (District I) - \$2,200,000.00

Motion -- carried

Lambke moved that the Preliminary Estimates be approved and filed. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## DEEDS/EASEMENTS

### DEEDS AND EASEMENTS:

- a) Utility Easement dated February 7, 2000, from Lakeridge Development, LLC, a Kansas Limited Liability Company, for a tract of land in Lot 3, Block 20, Oak Cliff Estates to Wichita, Sedgwick County, Kansas. (Private Project, OCA #607861) (No cost to City).
- b) Sanitary Sewer Easement dated March 11, 2000, from Jimmy L. and Lorraine K. King for a tract of land in the SW 1/4 Sec. 21, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas. (Lat. 60, M4, SWI, OCA #743820) (No cost to City).
- c) Sanitary Sewer Easement dated March 6, 2000, from Howard Hughes and Brenda Hughes for a tract of land in Lot 20, Walnut Grove Addition, Sedgwick County, Kansas. (Lat. 137, M4, SS#23, OCA #743814) (No cost to City).
- d) Sanitary Sewer Easement dated March 6, 2000, from Sydney McPeak and Mike McPeak for a tract of land in the SW 1/4 Sec. 21, Twp. 27S, R-1-W of the 6th P.M., Sedgwick County, Kansas. (Lat. 60, M4, SWI, OCA #743820) (No cost to City).
- e) Sanitary Sewer Easement dated March 13, 2000, from Keith F. and Joyce L. Sayler for a tract of land in the SE 1/4 Sec. 13, Twp. 27S, R-2-W of the 6th P.M., Sedgwick County, Kansas. (Lat. 438, SWI, OCA #743815) (No cost to City).
- f) Sanitary Sewer Easement dated September 26, 1997, from Major Murray and Norma Murray for a tract of land in Lot 2, Block B, Yale Heights Addition to Wichita, Sedgwick County, Kansas. (13th & Yale, OCA #621458) (No cost to City).

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 31

g) Sanitary Sewer Easement dated May 19, 1997, from World Impact for a tract of land in Lots 3 and 4, Block B, Yale Heights Addition to Wichita, Sedgwick County, Kansas. (13th & Yale, OCA #621458) (No cost to City).

h) Sanitary Sewer Easement dated July 16, 1997, from Viscey Muhammad for a tract of land in Lot 5, Block B, Yale Heights Addition to Wichita, Sedgwick County, Kansas. (13th & Yale, OCA #621458) (No cost to City).

i) Sanitary Sewer Easement dated March 27, 1998, from Herbert Johnson for a tract of land in Lot 6, Block B, Yale Heights Addition to Wichita, Sedgwick County, Kansas. (13th & Yale, OCA #621458) (No cost to City).

j) Sanitary Sewer Easement dated September 22, 1997, from Belinda Anderson for a tract of land in Lot 8, Block B, Yale Heights Addition to Wichita, Sedgwick County, Kansas. (13th & Yale, OCA #621458) (No cost to City).

Motion -- carried Lambke moved that the documents be received and filed. Motion carried 7 to 0

## **REGENCY PARK ADD. PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE REGENCY PARK ADDITION – WEST OF GREENWICH, NORTH OF K-96.**

Agenda Report No. 00-0484.

On February 15, 2000, the City Council approved a Petition to construct a Water Distribution System to serve Regency Park Addition (west of Greenwich, north of K-96). An attempt to award a construction Contract within the budget set by the Petition was unsuccessful.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

The original Petition totaled \$59,000. The new Petition totals \$70,700. The funding source is special assessments.

Motion -- carried Lambke moved that the Petition be approved and the Resolution be adopted Motion carried 5 to 0. (Pisciotte, Knight; absent)

### **RESOLUTION NO. R-00-210**

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89449 (west of Greenwich, north of K-96) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## **BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Board of Electrical Appeals, 4-11-00  
District Advisory Boards Minutes  
MAPC, 2-24-00  
Police & Fire Retirement System, 3-22-00  
Wichita Airport Advisory Board, 4-3-00  
Wichita Employees' Retirement System, 2-23-00  
Wichita Public Library, 4-18-00

Motion -- carried Lambke moved that the Minutes be received and filed. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## **STREET CLOSURES SPECIAL EVENTS - CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 00-0513

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 32

The following street closure requests have been submitted:

1) 2000 Law Enforcement Torch Run  
Street Closure: Main Street from Central to Third  
June 2, 2000 from 6:30 - 8:00 p.m.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Lambke moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 5 to 0. (Pisciotte, Knight; absent)

-- carried

## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED – APRIL, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Blake Brummond; Great West Casualty	\$9,091.75**
Randall L. Montgomery	\$163.00
Joseph W. Raney	\$150.70*
Reorganized Church of Jesus Christ	\$6,034.17**
Raymundo Olave, Jr.	\$157.41
Michael E. Kallal	\$95.30*
Jennifer S. Lovell	\$562.75
Rickey Beard	\$225.00*

\*Settled for lesser amount than claimed.

\*\*Approved by the City Manager.

Motion -- carried

Lambke moved that the Report be received and filed. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## CENTURY II

### AMENDMENT – CENTURY II/EXPO HALL SANITARY SEWER AND PUMP STATION. (District I)

Agenda Report No. 00-0485.

The City of Wichita entered a Contract with Professional Engineering Consultants (PEC) to design a solution to the Century II/Expo Hall sewer system problems. The Contract with PEC provides for design, preparation of bid documents and monitoring of the construction. The Contract is in an amount not to exceed \$26,500 for all services. During design, several issues arose that were not anticipated; thus PEC spent more time in the design phase than was anticipated leaving less time remaining in the Contract to properly observe the construction.

The limit of the Contract should be increased by \$5,600 from \$26,500 to \$32,100 to insure that adequate construction monitoring can be done.

The project budget is \$231,000. Bids for construction were received and the project awarded to Dondlinger Construction Company in the amount of \$185,000. The budget is sufficient to provide for this Contract Amendment with a contingency of \$13,900 remaining.

Motion --

-- carried

Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 33

## **HAZARD MATERIALS     HOUSEHOLD HAZARDOUS MATERIALS FACILITY – MATERIALS DISPOSAL.**

Agenda Report No. 00-0486.

The Health Department has operated a Household Hazardous Materials Collection Facility at 2305 East 57th Street at the Wichita Sewage Treatment Plant #2 since 1991. The facility collects approximately 225,000 pounds of hazardous materials annually. In order to properly collect, package, recycle and dispose of this material, a hazardous materials contractor has been utilized in the operations of the facility since inception. The program, in its current form, will run until October 9, 2001. It is unknown at present under what form this program will function when the County takes over in October of 2001.

In order to comply with the City of Wichita's purchasing procedures, a Request for Proposal (RFP) was recently sent out to 9 contractors for providing hazardous materials collection, transportation, and disposal. As a result of this process, Safety-Kleen is the recommended contractor. Length of contract is one (1) year with two (2) options for renewal.

Cost of the contract is determined by the participation for the program. In funding year 1999, the charges were approximately \$ 250,000. The fund source is included in the Brooks Landfill tipping fee.

Motion --  
-- carried

Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## **MENNONITE HOUSING     CONTRACT EXTENSION – HOME OPERATING FUNDS, MENNONITE HOUSING REHABILITATION SERVICES.**

Agenda Report No. 00-0487.

March 17, 1998, the City Council approved \$30,000 in HOME operational support funding for Wichita Indochinese Center, a non-profit Community Housing Development Organization (CHDO). The purpose of the funding was to provide monetary support that would enable MHRS to develop internal capacity to manage affordable rental properties. The City Council subsequently authorized the funding contract on May 19, 1998.

MHRS' contract, originally structured to begin June 1, 1998, expired February 28, 1999. The funding was used to purchase software and is currently being utilized to subsidize the salary of MHRS' property manager.

Approximately \$5,700 in funding remains in connection with the agreement.

Motion --  
-- carried

Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## **PUBLIC SCHOOLS     WICHITA PUBLIC SCHOOLS – COMMUNITIES IN SCHOOLS OF WICHITA/SEDGWICK COUNTY, INC. CONTRACT.**

Agenda Report No. 00-0488.

On March 28, 2000, the City Council authorized funding to assist Wichita Public Schools and Communities In Schools of Wichita/Sedgwick Co., Inc. in the development of the Towne East School Academy.

The program will establish a Towne East Square Education Resource Center (ERC). The Simon Youth Foundation will provide 3,800 SF of space to USD #259 and will design, build and lease the space as no cost to the School District. The initial program will target 100 dropouts and offer the opportunity to earn a high school diploma while simultaneously acquiring necessary life and work related skills. The model combines two national award winning programs of demonstrated effectiveness: (1) the technology-based EXTRA Program that provides the tools for self-paced academic and life skills learning and the Performance TRAC component; and (2) a highly structured work-based learning that emphasizes core transferable skills need in any career. The Academy will be staffed by certificated teachers in a variety of areas, paraprofessionals, CIS Specialist and an Academy Coordinator.

Contracts have been negotiated with the Wichita Public Schools and Communities In Schools Of Wichita/Sedgwick Co., Inc. The contract term is June 1, 2000, to August 31, 2000.



# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 34

The Wichita Public Schools will receive funding in the amount of \$41,790 to purchase equipment and the Communities In Schools Of Wichita/Sedgwick Co., Inc. will receive funding in the amount of \$8,210 to pay salaries for teachers during the training and start-up period. The total project cost of \$50,000 will be paid from a donation made by Quarters At Cambridge.

Motion -- Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 5 to 0. (Pisciotte, Knight; absent)

## **ESMT. ENCROACH.**

### **EASEMENT ENCROACHMENT AGREEMENT- SUGAR CREEK ASSOCIATES, LLC.**

Agenda Report No. 00-0489.

The agreement allows Sugar Creek Associates, LLC, to occupy and construct for 2550 South Oliver improvements on, over and across portions of a water easement, a sewer easement, and a sewer and drainage easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be 25 feet east of the west property line for the construction of a concrete masonry sign.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 5 to 0. (Pisciotte, Knight; absent)

## **ESMT. ENCROACH.**

### **EASEMENT ENCROACHMENT AGREEMENT – USD 259.**

Agenda Report No. 00-0490.

The agreement allows USD 259 to occupy and construct for 2945 South Victoria improvements on, over and across the aforesaid public easement described as 10 feet in width located north of the south property line and 4 feet in width located south of the north property line of Wilson School Addition, Block A, Lot 1 and a 20' x 115' sewer easement as described on the recorded plat of the same addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be along the south property line for 600 feet and along the north property line for 580 feet of the same addition, for the construction of a concrete masonry fence.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion -- Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion  
-- carried carried 5 to 0. (Pisciotte, Knight; absent)

## **MCCORMICK IMPRV.**

### **AGREEMENT FOR IMPROVING MCCORMICK STREET EAST OF TYLER ROAD.** (District V)

Agenda Report No. 00-0491.

The owner of land on the north side of Kellogg near McCormick Street wishes to have McCormick Street extended allowing access to his land from the proposed frontage road (to be constructed as part of the City's Kellogg Freeway improvement). Extension of McCormick Street will allow the City to utilize the extension to reroute traffic during the Freeway construction.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 35

The estimated cost of the McCormick Street extension is \$126,585.00. The Agreement obligates the City to pay for 50% of the project's cost, in an amount not to exceed \$63,292.50. This cost will be paid from Local Sales Tax Funds.

Motion --  
-- carried

Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## LOCAL 910 IATSE

### AMENDMENT – LOCAL 910 IATSE WARDROBE AGREEMENT.

Agenda Report No. 00-0492.

Local 910 of the International Alliance of Theatrical Stage Employees (IATSE)-Wardrobe Union provides the skilled labor required for the Century II stages, including packing in and out, dressing, sewing, and pressing. Local 910 has provided this skilled labor for the City going back to the days of the Forum. The labor cost for the local is paid directly by the clients of Century II and does not represent an operating cost for Century II. Clients requiring the services of Local 910, include professional Broadway plays and music theatre productions. To remain competitive in today's job market, the group is requesting a cost-of-living salary adjustment.

The last salary increase for the local was approved nearly fifteen years ago, effective June 11, 1985. They are asking for a 10% salary increase to be effective May 16, 2000, or upon approval of the amendment. The increase would raise the base hourly salary from \$10.14 to \$11.15. An additional 10% would be effective May 1, 2001, followed by a 3% increase effective on January 1, 2002, January 1, 2004, and January 1, 2006. The major user of Local 910, Music Theatre of Wichita, has reviewed the request and has indicated that it is fair and just.

During the negotiation of the salary adjustment, Local 910 agreed to move the time when overtime begins from 12 midnight to 1:00AM, and is included in the amendment. The payroll services fee was also reduced from 32% to 27%.

The cost of living increase will not effect Century II's operating budget, as the Wardrobe Stewards and Attendants are paid directly by clients of Century II. Bad debts are the responsibility of the local's payroll company. The local also maintains its own liability insurance.

Motion --  
-- carried

Lambke moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## GIS MAP VIEWER

### GEOGRAPHIC INFORMATION SYSTEM (GIS) MAP VIEWER APPLICATION DEVELOPMENT.

Agenda Report No. 00-0512.

The City of Wichita has successfully set the foundation for an Enterprise-wide GIS with the development and maintenance of 70 GIS map layers. The benefit of GIS lies in the ability to provide users with a warehouse of data linked to a relational geographic map. Currently, GIS users are limited due to the cost to purchase the GIS software and send staff to extensive training. With the development of a Map View Application, a site license would be used for as many staff as is required without incurring incremental costs for the GIS software each time a new user is added. This application will provide a simplified way to view GIS map layers; staff needing to view a map can do so easily on-line using their PC, with very little training. This information will be accessible in a variety of familiar ways including "point and click" window screens, as well as other direct entry means, such as by entering an address. The purpose of GIS is to get information to a wide range of city users and decision-makers, including those not trained in GIS technology. Development of this application will provide the tool necessary to establish this level of access and increase use of GIS by city staff.

GIS is a complex system that requires a high level of understanding to develop and present. The Map Viewer Application development will require a high level of expertise not only of GIS, but programming, and database configuration. This is a highly specialized field, making it difficult to find experienced vendors. In researching possible vendors that meet the required expertise, Bivens Geomatics was the only source found that has developed this type of application for other municipalities. A sample Map Viewer Application developed by Bivens Geomatics for Delaware County, Ohio was submitted and reviewed. Much of the application functionality contained in this application matches the functionality we are requesting. The key programmer for Bivens Geomatics is a former employee of ESRI, the company that produces the City's GIS software.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 36

The cost of \$28,015 for this project will be paid out of the GIS project development funding.

Motion --  
-- carried

Lambke moved that Bivens Geomatics be approved as the vendor to develop the Citywide GIS Map Viewer Application and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## **INDOCHINESE CENTER WICHITA INDOCHINESE CENTER.**

Agenda Report No. 00-0493.

The Wichita Indochinese Center has been in operation since 1983 as a non-profit corporation serving the refugee community and resettling them as productive citizens. Since April 26, 1994, Wichita Indochinese Center has leased a city-owned facility located at 2502 E. Douglas for their programs. The Wichita Indochinese Center provides housing services, summer youth employment, English as a Second Language, social services, and translation services.

The Wichita Indochinese Center is requesting funding to replace a rooftop heating and cooling unit, and to repair the roof of the facility leased from the City. The facility has two rooftop heating and cooling units. Wichita Indochinese Center was able to obtain a grant to replace one of the heating and cooling units but not the second unit. The second heating and cooling unit is inoperative and cannot be repaired. The roof leaks and does not permit the east wing to be used. The repairs will permit the Wichita Indochinese Center to apply for funding to start a childcare center in the east wing.

The Wichita Indochinese Center is requesting a grant of \$24,000 from the City to make the repairs to the facility. Funding assistance, if approved by the City Council, could be made available from unexpended prior year CDBG funds previously allocated by the City Council to Wichita Indochinese Center for the 1998-99 Summer Youth Program which is complete. A total of \$23,936 in CDBG funds are available.

CDBG regulations require a 30-day public comment period as a Substantial Amendment to the Consolidated Plan before funds can be used for building repair. An additional 35 days may be required to conduct an Environmental Review as required by HUD regulations.

Motion --  
-- carried

Lambke moved that the 30-day public comment period, contracts and necessary signatures be authorized; and the funding, subject to public comment and environmental review periods, be approved. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## **PROPERTY ACQ.**

### **ACQUISITION OF 455 COURTLEIGH- EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 00-0494.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 455 Courtleigh, David and Jan Gruntzel, have expressed an interest in selling this property to the City. The site contains 13,000 square feet and is improved with a 1,790 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$103,000. The owner has located an acceptable replacement dwelling that is currently available for \$113,000 and has agreed to accept this amount for 455 Courtleigh. Early acquisition will avoid future relocation and moving expenses. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased until is needed for highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$119,000 is requested. This includes \$113,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --  
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 37

**PROPERTY ACQ.      ACQUISITION OF 460 WAVERLY – EAST KELLOGG IMPROVEMENT PROJECT. (District II)**

Agenda Report No. 00-0495.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 460 Waverly, Noma Thompson, have expressed an interest in selling this property to the City. The site contains 11,700 square feet and is improved with a 1,502 square foot brick, ranch-style single family residence. The property has three bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$110,000. The owner has located an acceptable replacement dwelling that is currently available for \$125,000 and has agreed to accept this amount for 460 Waverly. Early acquisition will avoid future relocation and moving expenses. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased until is needed for highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$131,000 is requested. This includes \$125,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --      Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion  
-- carried      carried 5 to 0. (Pisciotte, Knight; absent)

**PROPERTY ACQ.      ACQUISITION OF 22 PEACHTREE – EAST KELLOGG IMPROVEMENT PROJECT. (District II)**

Agenda Report No. 00-0496.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 22 Peachtree, Richard and Barbara Rosborough, have expressed an interest in selling this property to the City. The site contains 17,434 square feet and is improved with a 2,932 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$152,000. The owner has agreed to accept this amount for the property. They are going to lease the property back from the City until needed for the project for \$600 per month. Early acquisition will avoid future relocation and moving expenses. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$158,000 is requested. This includes \$152,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion --      Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion  
-- carried      carried 5 to 0. (Pisciotte, Knight; absent)

**PROPERTY ACQ.      ACQUISITION OF TRACT AT SOUTHEAST CORNER OF 119TH STREET WEST AND KELLOGG – WEST KELLOGG IMPROVEMENT PROJECT. (District V)**

Agenda Report No. 00-0497.

In July 1993, the City Council approved an ordinance declaring Kellogg from 119th Street West to Mid-Continent Airport a major traffic-way. In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. The owner of a tract at the southeast corner of Kellogg and 119th West, Mel Hamblen Real Estate LLC, has expressed an interest in selling the portion of this property needed for Kellogg expansion to the City. The required tract contains approximately 78,600 square feet.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 38

The subject tract is platted and zoned Light Industrial. The owner has agreed to sell the property for \$3.50. Market value for similar property is \$3.25-to-\$3.75 per square foot. Acquisition at this time will prevent development of the site and a higher improved cost later.

Funds have been budgeted for opportunity land acquisitions. Ordinance 43-310, approved in October of 1996 authorized funds for this purpose. The funding source will be Local Sales Tax revenues. A budget of \$280,000 is requested. This includes \$275,000 for the acquisition and \$5,000 for survey, title insurance and miscellaneous closing costs.

Motion --  
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 00-0498.

On May 2, 2000 the Board of Code Standards (BCSA) held a hearing on the following six (6) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
1. 2115 West Walker	IV
2. 141 North Glenn	IV
3. 1515 North Madison	III
4. 2501 North Broadway	VI
5. 646 North Baehr	IV
6. 2689 South Vassar	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --  
-- carried

Lambke moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on July 11, 2000, at 11:00 a.m. be approved. Motion carried 5 to 0. (Pisciotte, Knight; absent)

#### RESOLUTION NO. R-00-211

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: East 90' of Lots 1, 3, 5, Everett Ace, Stiles and Smiths Addition to Wichita, Sedgwick County, Kansas, known as 2115 West Walker, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

#### RESOLUTION NO. R-00-212

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 7 and 8, Block 7, Martinson's Seventh Addition to Wichita, Sedgwick County, Kansas, known as 141 North Glenn, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 39

## RESOLUTION NO. R-00-213

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 127 and 129, Madison avenue, Logan Addition to Wichita, Sedgwick County, Kansas, known as 1515 North Madison, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-214

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 41, 43, 45, and 47 on Broadway, Garland Brook Addition to Wichita, Sedgwick County, Kansas, known as 2501 North Broadway, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-215

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the south 25 ft. of the west 112 ft. of Lot 23, block 1, Orchard park Addition to Wichita, Sedgwick County, Kansas, known as 646 North Baehr, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-216

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 14, Block 1, Planeview Sub-division #1, being a sub-division in Section 2, Township 28 South Range 1 east of the Sixth P.M., Addition to Wichita, Sedgwick County, Kansas, known as 2689 South Vassar, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

(Item Number 22)

### HUD GRANT

### HUD GRANT APPLICATION – HOMELESS ASSISTANCE.

Agenda Report No 00-0500.

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the 2000 Continuum of Care Homeless Assistance Program. The NOFA make funds available for the Supportive Housing Program which includes transitional housing, supportive services and Safe Havens; Shelter Plus Care; and the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

Shelter Plus Care (S+C) is a program designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, or AIDS or related diseases) and their families who are living in places not intended for human habitation (e.g., streets), or in emergency shelters. The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the hard-to-reach homeless population with disabilities. Shelter Plus Care funding must be matched by an equal amount of supportive services.

The United Way has been working with the Homeless Task Force in the implementation of the community process to prioritize the projects which will be included in the application. A committee of community volunteers has met quarterly for the past year, and has ranked three proposals to be included in this year's application. The application will be submitted to HUD by the United Way of the Plains on behalf of the sponsoring agencies. If HUD approves funding for any of the projects, the grant agreements will be between the sponsoring agency and HUD. With the

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 40

exception of the Shelter Plus Care application (sponsored by the Housing Services Department) the City of Wichita will have no fiscal or other responsibility for project implementation or oversight.

The application will include three projects, two of which are currently funded and which are seeking renewal funding.

<u>Project Name</u>	<u>Amount</u>	<u>Agency</u>
Transitional Housing (renewal)	\$1,000,000	Salvation Army
Shelter Plus Care (renewal)	\$4,164,880	Housing Services Department
Supportive Services for Homeless Persons with Mental Disabilities	\$157,710	Breakthrough Club

The Transitional Housing program of the Salvation Army operates in partnership with Catholic Charities Anthony Family shelter, Episcopal Social Services Venture House, COMCARE of Sedgwick County and Mennonite Housing to provide outreach, assessment, transitional housing, case management, education/vocational/employment assistance, substance abuse assessment/ prevention/intervention/stabilization assistance, life skills training, mental health and children's services, emergency financial and permanent housing assistance. The grant period will be three years, and will serve an estimated 294 individuals.

The Wichita Housing Authority has provided Shelter Plus Care rental assistance for six years under a grant received in 1994 in partnership with COMCARE of Sedgwick County's Homeless Program, United Methodist Urban Ministry, and Wichita Community Clinical AIDS Program, Inc. (ConnectCare). Under that grant, the WHA received funds for rental assistance sufficient to assist 150 persons/families for a five-year period. Because participants were able to lease units at less than the fair market rents or were able to pay part of the rent themselves, the housing authority was able to assist as many as 160 participants at a time, and was able to extend the original 5-year grant. Over the period of the grant more than 270 individuals who were homeless and had a disabling condition have received rental assistance.

The Housing Services Department is proposing to renew the funding for rental assistance for 150 Shelter Plus Care units. The Department will again work in partnership with COMCARE's Homeless Program, ConnectCare, and will add Miracles, Inc., as a new partner. These agencies will provide the essential community supports to ensure that the members of their respective target populations will reach their goals of self-sufficiency and independent living in the community. The services committed by these agencies will provide the required match for the Shelter Plus Care funding.

Shelter Plus Care grants are for a five-year period, so this request is for a renewal period of five years.

The Breakthrough Club is applying for funding for a staff person to coordinate with transitional housing providers, Salvation Army's Emergency Shelter, and COMCARE's Center City program to identify potential program participants. The services of Breakthrough Club include developing job skills, finding employment, furthering education, and providing assistance locating affordable housing and assistance with move-in expenses.

The amount of funding available to programs in the City of Wichita will depend on the number of geographic locations which submit applications under this NOFA (HUD will make these calculations after all applications have been submitted). Preliminary calculations by HUD indicate that the Wichita-Sedgwick County area may be eligible for approximately \$1.155 million. However, based on adjustments HUD may make for renewal needs, that amount could increase to approximately \$3 million.

All matching funds required by the projects included in this grant would be provided by the sponsoring agencies, or in the case of Shelter Plus Care, by the partnership agencies. Support by the Council for the application obligates no funding from the City of Wichita.

Motion --

-- carried

Cole moved that the grant application, Agreement and receipt of funds be approved; submission of Continuum of Care be supported; and the necessary signatures be authorized; provided that facilities receiving funds are in compliance with all City health, safety, and housing codes before major amounts of funds are given to them. Motion carried 5 to 0. (Pisciote, Knight; absent)

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 41

## LABOR MGMT.

### GRANT APPLICATION - LABOR-MANAGEMENT COOPERATION PROGRAM.

Agenda Report No. 00-0501

The Federal Mediation and Conciliation Services issued a national request for competitive applications for a Labor-Management Cooperation Program pursuant to the federal Labor-Management Cooperation Act of 1978. The FY 2000 application process is open to states and local units of government. Grant assistance can be used to improve labor-management relationships, job security, organizational effectiveness, and improve communication with employees on subjects of mutual interest and concern.

The City of Wichita has prepared a grant application for these funds for submission to the Federal Mediation and Conciliation Service. The City's Personnel Department has agreed to serve as the lead agency for administration of approved grant funds.

The City's grant application consists of funding for one-time purchases which include: training for the Labor/Management Committee (\$30,000); Labor/Management Committee attendance at required conferences with labor-management experts (\$11,750); a message generator and television sets to provide real-time messages to employees concerning training opportunities, employee benefits and announcements (City Vision)(\$56,490); and, computer programming for internal departmental training and external training via City departmental Mini-Web sites (\$11,750).

The City's grant application totals \$110,000. If approved, a total of \$100,000 would be provided by the federal grant. The City's 10% required matching share (\$10,000) would be provided from salary savings in the general fund.

Motion --  
-- carried

Lambke moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## ATHLETIC COURT

### 2001 ATHLETIC COURT RESURFACING, REPAIR, AND CONSTRUCTION. (District VI)

Agenda Report No. 00-0502.

The 2001 Capital Improvement Program includes a project to resurface park athletic courts (CIP No. P-390003, Page 178).

The project will provide funding for the complete reconstruction of Court #1 at the Wulz Tennis Center and for minor repairs of basketball and tennis courts at other Parks.

The project budget is \$80,000. The funding source is General Obligation Bonds.

Motion -- carried

Lambke moved that the project be approved and the Resolution be adopted. Motion carried 5 to 0. (Pisciotta, Knight; absent)

### RESOLUTION NO. R-00-217

A Resolution, authorizing the issuance of Bonds by the City of Wichita at large for public improvements in various parks (472-83240) – 2001 Park Athletic Court Improvement Program, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotta, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## INTERSECTION PRO.

### 2001 INTERSECTION IMPROVEMENT PROGRAM. (Districts I, III, IV, and V)

Agenda Report No. 00-0504.

The 2001 Capital Improvement Program includes funds to improve five intersections (CIP No. MS-230001, page 70).



# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 42

The intersections to be reconstructed are:

Woodlawn at Mainsgate	(Design & Construction)
Westport at Maize	(Design & Construction)
McLean at Harry	(Design & Right-of-Way Acquisition)
McLean at Lincoln	(Design & Right-of-Way Acquisition)
27th at Hillside	(Design & Construction)

The program budget is \$1,600,000, with the total paid by the City. The funding source is General Obligation Bonds.

Motion -- carried

Lambke moved that the project be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Pisciotta, Knight; absent)

## ORDINANCE

An Ordinance declaring the Intersections of Woodlawn Avenue at Mainsgate Street, Westport at Maize, McLean at Harry, McLean at Lincoln, and 27<sup>th</sup> Street at Hillside, (472-83221) (2001 intersection Improvement Program) to be main Trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MAY 9, 2000)

- a) Charter Ordinance – Police and Fire Retirement System.

#### CHARTER ORDINANCE NO. 184

A Charter Ordinance of the City of Wichita, Kansas, amending Charter Ordinance No. 146 related to the Police and Fire Retirement System of the City of Wichita and repealing the original of the amended section., read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Pisciotta, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

- b) Wichita Employees' Retirement System.

#### ORDINANCE NO. 44-649

An Ordinance amending Section 2.28.070 of the Code of the City of Wichita, Kansas, pertaining to the incorporation of revisions to the Wichita Employees' Retirement System.

- c) Revised Lender Support Agreement.

#### ORDINANCE NO. 44-650

An Ordinance of the City of Wichita, Kansas, prescribing the form and authorizing the execution of a lender support agreement by and among MDI Limited Partnership #72, the City of Wichita, Kansas, and Bank of America, N.A., and repealing Ordinance No. 44-435, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Pisciotta, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

### FIRST READING ORDINANCES:

- a) Health Nuisance

## ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 43

b). Weed Mowing

## ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

## PLANNING AGENDA

Motion --  
-- carried

Lambke moved that the Planning Agenda be approved as consensus Items. Motion carried 5 to 0. (Pisciote, Knight; absent)

**VAC2000-00005**

**VAC2000-00005 – REQUEST TO VACATE A PORTION OF A FRONT YARD SETBACK GENERALLY LOCATED EAST OF 135TH STREET WEST AND SOUTH OF MAPLE ON LIMUEL COURT – 543 WEST LIMUEL COURT.** (District V)

Agenda Report No. 00-0505.

Staff Recommendation: Approve vacation of a front yard setback.  
MAPC Recommendation: Approve vacation of a front yard setback. (unanimous)

The applicant is requesting to vacate a portion of a platted front yard 25-foot setback. Upon purchase of the home the applicant was made aware of the minor protrusion of the home into the setback and wishes to resolve the problem through this vacation.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --  
-- carried

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciote, Knight; absent)

**VAC2000-00006**

**VAC2000-00006 – REQUEST TO VACATE A PORTION OF A 35-FOOT BUILDING SETBACK AND A PORTION OF ACCESS CONTROL LOCATED AT THE SOUTHEAST CORNER OF POPLAR AND 37TH STREET NORTH**

Agenda Report No. 00-0506.

Staff Recommendation: Approve vacation of a portion of a 35-foot building setback and a portion of access control.  
MAPC Recommendation: Approve vacation of a portion of a 35-foot building setback and a portion of access control. (unanimous)

The applicant is requesting to vacate a portion of a platted 35-foot building setback and a portion of access control along 37th Street North for future development of this site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --  
-- carried

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciote, Knight; absent)

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 44

S/D 99-64

**S/D 99-64 PLAT OF WHISPERING LAKES ESTATES SECOND ADDITION LOCATED SOUTH OF HARRY ON THE WEST SIDE OF 159TH STREET EAST.** (District II)

Agenda Report No. 0507.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This replat is zoned SF-6, Single-Family Residential and was annexed in December 1999. The Four Mile Creek sanitary sewer system will be used and petitions for improvements will be handled by the County. Another petition, 100%, has been submitted for City water improvements. A Certificate of Petitions has also been submitted. Due to the reconfiguration of the lots, a respread agreement for special assessments has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion --  
-- carried

Lambke moved that the documents and plat be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciote, Knight; absent)

S/D 99-71

**S/D 99-71 – PLAT OF HARRISON PARK THIRD ADDITION LOCATED ON THE SOUTHEAST CORNER OF LINCOLN (EXTENDED) AND WEBB.** (District II)

Agenda Report No. 0508.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

A zone change (Z-3205) from SF-6, Single-Family Residential to LC, Limited Commercial (Lot 2) and NR, Neighborhood Retail (Lot 1) was approved for this site subject to platting. The site is also subject to a Protective Overlay addressing uses, landscaping, signs, architectural controls, lighting, access control and drainage.

Although this site is located in the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for improvements will be handled by the County. Other petitions, 100%, have been submitted for drainage and traffic improvements. Both a City and County Certificate of Petitions have also been submitted. A Protective Overlay Certificate has been provided identifying the approved Protective Overlay and its special conditions for development.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --  
-- carried

Lambke moved that the documents and Plat be approved; the necessary signatures as to approval of this plat and as to the creation of a County sewer district within the City be authorized, the Ordinance Z-3205 be placed on first reading; and the Resolutions be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent)

## RESOLUTION NO. R-00-219

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 537 (east of Webb, north of Harry) Project No. 468-83100, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 45

## RESOLUTION NO. R-00-220

Resolution of findings of advisability and Resolution authorizing traffic signalization improvements at the new corner of Lincoln and Webb Road, including additional traffic arm installation to complete a four-way intersection, Project No. 472-83241 (east of Webb, north of Harry) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (Z-3205)

S/D 99-92

### **S/D 99-92 – PLAT OF PHAT AN TEMPLE ADDITION LOCATED NORTH OF MACARTHUR ON THE EAST SIDE OF WEST STREET.**

Agenda Report No. 00-0509.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

This site is located in the County within three miles of the City's boundary. The site is zoned SF-20, Single-Family Residential. Municipal water is available to serve the site. The site has been approved by the Health Department for the use of on-site sanitary sewer facilities. A petition, 100%, has been submitted for future sanitary sewer improvements.

In order to provide for the ownership and maintenance of the floodway reserve, the applicant has submitted a restrictive covenant. Due to excessive lot depth, a restrictive covenant has also been provided in accordance with County Fire Department standards to restrict the location of structures.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 5 to 0. (Pisciotte, Knight; absent)

## RESOLUTION NO. R-00-221

Resolution of findings of advisability and Resolution authorizing construction of Lateral 453, Southwest Interceptor Sewer (north of MacArthur, east of West Street), Project no. 468-83107, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

S/D 00-11

### **S/D 00-11 – PLAT OF LEGACY PARK WILSON ESTATES ADDITION LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD.** (District II)

Agenda Report No. 00-0510.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

A zone change (Z-3347) from SF-6, Single-Family Residential to LC, Limited Commercial was approved for Lots 2, 3, and 4, Block 1, subject to platting. A Community Unit Plan (DP-200) was also approved for these lots. A zone change (Z-3346) from LC, Limited Commercial, B, Multi-Family Residential, and SF-6, Single-Family Residential

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 46

to GO, General Office was approved for Lot 1, Block 1, subject to platting. A Community Unit Plan (DP-201) was also approved for these lots.

Although this site is located in the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for improvements will be handled by the County. An off-site sewer easement was also provided. Other petitions, 100%, have been submitted for City water, paving and drainage improvements. Both a City and County Certificate of Petitions have also been submitted.

As required by the drainage plan for this site, an off-site drainage agreement has been submitted by the Applicant. A CUP Certificate has been provided identifying the approved CUP and its special conditions for development. To provide for shared access between the lots, a joint access agreement has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificates of Petitions, off-site drainage easement, off-site sewer easement, joint access agreement and CUP Certificate, will be recorded with the Register of Deeds.

Motion --  
-- carried

Lambke moved that the documents and plat be approved; the necessary signatures be authorized; the Ordinance Z-3347 be placed on first reading; and the Resolutions be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent)

## RESOLUTION NO. R-00-222

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89469 (south of 21st Street, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-223

Resolution of findings of advisability and Resolution authorizing improving of Wilson Estates Parkway from the east line of Reserves "S" and "V" of Wilson Farms Addition over to Webb Road, and; sidewalk along Wilson Estates Parkway from the east line of Reserve "s" to the west line of Webb Road, Project No. 472-83175 (south of 21st Street, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-224

Resolution of findings of advisability and Resolution authorizing improving of decel and left turn lanes in 21st Street North from the northwest corner of Lot 1, Block 1, Project No. 472-83231 (south of 21st Street, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## RESOLUTION NO. R-00-225

Resolution of findings of advisability and Resolution authorizing improving of accel/decel lane and a left turn lane in Webb Road from a point 80' north of the south Lot line of Lot 3, Block 1 to a point 300' south of Wilson Estates Parkway, Project No. 472-83232 (south of 21st Street, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 47

## RESOLUTION NO. R-00-226

Resolution of findings of advisability and Resolution authorizing construction of a raised medial in 21st Street North, Project No. 472-83233 (south of 21st Street, west of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciotte, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (Z-3346)

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (Z-3347)

A 00-08

### **A 00-08 – ADOPTION OF RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED EAST AND WEST OF 143RD STREET EAST, NORTH AND SOUTH OF HARRY, TO THE CITY OF WICHITA, KANSAS.**

Agenda Report No. 00-0511.

A Resolution establishing a future public hearing date of July 18, 2000, for consideration of a unilateral annexation. was approved. The properties proposed for annexation are located east and west of 143rd Street East, north and south of Harry

This is the third phase of a three-phase annexation and was originally part of a larger annexation approved in December 1999. However, due to technical errors found in the legal descriptions in Resolutions R 99-399 and R 00-016, several subdivisions were inadvertently rendered ineligible, necessitating the need for three separate phases. The second phase was officially approved March 30, 2000, and brought approximately 267 acres into the City.

The subject area consists of approximately 239 acres and 310 properties (300 platted and 10 unplatted). The land-use pattern consists of 84 residential tracts, 220 vacant or farm related tracts or reserves, and seven (7) church, cemetery or public utility tracts. The majority of the area is zoned "SF-6" Single Family Residential and "SF-20" Single-Family Residential, with a few small areas zoned "LC" Limited Commercial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation (SF-10 if requested by property owner) while other properties will retain their existing zoning. All of the land proposed for annexation is located within the area identified as "low-density residential," in the Land Use Guide Map in the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. The proposed area for annexation is also within the 2010 Urban Service boundary found in the Plan.

The proposed annexation will allow for the continuation of the City's growth in the east part of Wichita. Many properties in the annexation area are already served with City of Wichita water, with 12-inch to 16-inch mains located in portions of Harry, Kellogg, Central and 143rd Street East. The City's 2000-2009 Capital Improvement Program (C.I.P.) includes projects to install additional mains in portions of 143rd Street East and 159th Street East. The undeveloped property at the southwest corner of 143rd Street East and Harry, as well as several residential tracts near 143rd Street East and Central Avenue, are not currently served by City water. As for sewer, the Sedgwick County Four-Mile Creek Sewer District currently serves the majority of the properties in this proposed annexation.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

# CITY COUNCIL PROCEEDINGS

JOURNAL 171

May 16, 2000

PAGE 48

The total appraised value of the land and improvements proposed for annexation is \$17,446,810 resulting in an annual City Ad Valorem tax revenue of approximately \$59,077. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

-- carried

Lambke moved that the service plan be approved and the Resolution setting the hearing date on July 18, 2000, at 7:00 p.m. at the East Evangelical Free Church, 14725 East Harry, be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent)

## RESOLUTION NO. R-00-218

A Resolution establishing a future public hearing on the annexation of eligible properties located east and west of 143rd Street East, north and south of Harry, to the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 5 to 0. (Pisciote, Knight; absent) Yeas: Cole, Gale, Martz, Rogers, Lambke. A-00-08

EXECUTIVE SESSION

Lambke moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation, legal advice, contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to the financial affairs or trade secrets of a business; and return to regular session no later than 10:45 a.m.. Motion carried 5 to 0. (Pisciote, Knight; absent)

RECESS

The City Council recessed at 9:55 a.m. and reconvened in regular session at 10:45 a.m.

Lambke moved that the executive session on the previous mentioned items be continued for 35 minutes. Motion carried 5 to 0. (Pisciote, Knight; absent)

RECESS

The City Council recessed at 10:50 a.m. and reconvened at 11:25 a.m.

Lambke moved that the executive session on the previous mentioned items be continued for 15 minutes. Motion carried 5 to 0. (Pisciote, Knight; absent)

Mayor Knight and Council Member Pisciote present.

RECESS

The City Council recessed at 11:28 a.m. and reconvened at 11:48 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 11:48 a.m.

Pat Burnett CMC  
City Clerk